

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON DIVISION

IN RE: JOHNSON & JOHNSON) MDL No. 2738
TALCUM POWDER PRODUCTS)
MARKETING, SALES PRACTICES &)
PRODUCTS LIABILITY LITIGATION)
)

This Document Relates to:

TAMIKA CLARK,	)	3:21-cv-11876-FLW-LHG
DANNY DAVIS,	)	3:21-cv-11878-FLW-LHG
DONNA HALL,	)	3:21-cv-11880-FLW-LHG
SUSAN HALUZAK,	)	3:21-cv-11874-FLW-LHG
JANENE TOLLIS,	)	3:21-cv-11884-FLW-LHG
DAVID VANNESS,	)	3:21-cv-11885-FLW-LHG
ARCHIE WELLMAN, and	)	3:21-cv-11888-FLW-LHG
DEBBIE WYNN,	)	3:21-cv-11882-FLW-LHG

Plaintiffs,	)	NOTICE OF PTI UNION, LLC'S
	)	MOTION TO RECONSIDER THE
v.	)	ORDER DENYING IN PART ITS
	)	OMNIBUS MOTION TO DISMISS
IMERYS TALC AMERICA, INC., <i>et al.</i>,	)	PLAINTIFFS' SHORT FORM
	)	COMPLAINTS FOR FAILURE TO
Defendants.	)	STATE A CLAIM

TO: All Counsel of Record

COUNSEL:

PLEASE TAKE NOTICE that the undersigned attorneys for Defendant PTI Union, LLC (“Union”), hereby file its Motion to Reconsider the Order Denying in Part its Omnibus Motion to Dismiss Plaintiffs’ Short Form Complaints for failure to state a claim upon which relief may be granted.

Plaintiffs' claims against Union fail for the following reasons:

- ***First***, the Court's Order that partially denied Union's Omnibus Motion failed to consider the previous decisions of this Court concerning the sufficiency of identical allegations in the same litigation.
- ***Second***, the Court's order overlooks facts fatal to certain Plaintiffs' Complaints by unnecessarily restricting the scope of materials appropriate for consideration by a court when deciding a Rule 12(b)(6) motion.

The grounds for this Motion are set forth in more detail in the accompanying Memorandum of Law in Support of PTI Union, LLC's Motion to Reconsider its Omnibus Motion to Dismiss Plaintiffs' Complaints.

Oral argument is requested if this motion is opposed.

Dated: December 15, 2023

Respectfully submitted,

/s/ Caroline M. Tinsley

Caroline M. Tinsley (MO #49377)
TUCKER ELLIS LLP
100 South 4th St., Suite 600
St. Louis, MO 63102
Telephone: (314) 256-2550
Facsimile: (314) 256-2549
caroline.tinsley@tuckerellis.com

and

/s/ Janet L. Poletto

Janet L. Poletto, Esq. (024871980)
Robert E. Blanton, Esq. (028392012)
HARDIN KUNDLA MCKEON & POLETTO
673 Morris Avenue
Springfield, NJ 07081

Telephone: (973) 912-5222

Facsimile: (973) 912-9212

jpoletto@hkmpp.com

rblanton@hkmpp.com

Attorneys for Defendant PTI Union, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 15, 2023, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system on all counsel of record.

/s/ Janet L. Poletto

Janet L. Poletto, Esq. (024871980)

HARDIN KUNDLA MCKEON &

POLETTO

673 Morris Avenue

Springfield, NJ 07081

Telephone: (973) 912-5222

Facsimile: (973) 912-9212

jpoletto@hkmpp.com

Attorney for Defendant PTI Union, LLC